

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 18, Page 6, Section 164.151, Line 22, by
2 inserting after all of said section and line the following:

3
4 "Section 1. 1. Any state department or agency that owns or licenses computerized data that
5 includes personal information shall disclose any breach of the security of the system following
6 notification of the breach in the security of such data to any resident of Missouri whose unencrypted
7 or encrypted personal information was or is reasonably believed to have been acquired by an
8 unauthorized person. Such disclosure shall be made in the most expedient time possible and without
9 unreasonable delay.

10 2. Any state department or agency that maintains computerized data that includes personal
11 information that the state department or agency does not own shall notify the owner or licensee of
12 such personal information of any breach of the security of the data immediately following discovery,
13 if the personal information was or is reasonably believed to have been acquired by an unauthorized
14 person.

15 3. For purposes of this section, the following terms shall mean:

16 (1) "Breach of the security of the system", unauthorized acquisition of computerized data
17 that compromises the security, confidentiality, or integrity of personal information maintained by the
18 state department or agency. Good faith acquisition of personal information by an employee or agent
19 of the state department or agency for the purposes of the state department or agency is not a breach
20 of the security of the system, provided that the personal information is not used or subject to further
21 unauthorized disclosure;

22 (2) "Personal information", an individual's first name or first initial and last name, in
23 combination with any one or more of the following data elements:

24 (a) Social Security number;

25 (b) Driver's license number or Missouri identification card number;

26 (c) Account number, credit card number, or debit card number, in combination with any
27 required security code, access code, or password that would permit access to an individual's financial
28 account;

29 (d) Concealed carry endorsement or permit;

30 (3) "Unauthorized person", any person or agency who does not have written permission by a
31 Missouri resident to access such resident's personal information.

32 4. For purposes of this section, a state department or agency includes any entity contracting
33 with a state department or agency.

34 5. (1) For purposes of this section, notice shall be provided in writing to the Missouri
35 resident within five business days of discovery of the breach.

36 (2) The provisions of this section include breaches made by any state department or agency
37 prior to the effective date of this section. The notice for any breach which occurred prior to the

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1 effective date of this section shall be provided to the Missouri resident within thirty days of the
2 effective date of this section.

3 (3) If the department or agency demonstrates that the cost of providing notice would exceed
4 one hundred twenty-five thousand dollars, or that the affected class of subject persons to be notified
5 exceeds two hundred fifty thousand, or the department or agency does not have sufficient contact
6 information the department or agency may give substitute notice by:

7 (a) E-mail notice when the department or agency has an e-mail address for the subject person.

8 (b) Conspicuous posting of the notice on the Internet Web site page of the state department or
9 agency.

10 (c) Notification to major statewide media.

11 6. Notwithstanding any other provision of law, nothing in this section shall be construed as
12 authorizing the disclosure or release of any personal information by any state department or
13 agency."; and

14
15
16 Further amend said bill by amending the title, enacting clause, and intersectional references
17 accordingly.